

\$400

DE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUN 11 2018

Notice of Change in Water Right Ownership

DEPARTMENT OF
WATER RESOURCES

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
75-14905 75-4337	Yes ☒	Yes ☐		Yes ☐	Yes ☐
75-14906 75-77A	Yes ☒	Yes ☐		Yes ☐	Yes ☐
75-14907 75-10061A	Yes ☒	Yes ☐		Yes ☐	Yes ☐
75-14908 75-10296	Yes ☒	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: CARM-IDA LIVESTOCK INC
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): JAMES A SMITH, KATHY SUE SMITH
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☒ and/or
- PO BOX 33 CARMEN ID 83462
Mailing address City State ZIP
208.303.7518 countrypsych@yahoo.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: 08/28/2017
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per undivided water right.
 o \$100 per split water right.
 o No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.

SUPPORT DATA

IN FILE # 75-77A

8. Signature: James A Smith 6-8-2018
Signature of new owner/claimant Title, if applicable Date
Signature: Kathy Sue Smith 6-6-2018
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by [Signature] Date 6/11/18 Receipt No. C105225 Receipt Amt. 400.00
Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐
Name on W-9 _____ Approved by _____ Processed by dh Date 6-14-18

NWSE

SWNE

35

Carmen Creek

Freeman Creek

NESE

28N22E

Freeman Creek

Carmen Creek

Corporation Deed

For Value Received,

Carm- Ida Livestock Inc., an Idaho Corporation

does hereby Grant, Bargain, Sell and Convey unto

James A Smith and Kathy Sue Smith, husband and wife

Whose current address is:

**PO Box 33
Carmen, ID 83462**

the grantees, the following described premises to-wit:

See Attached Legal Description as Exhibit 'A'

To have and to hold the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever.

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees that they are the owners in fee simple of said premises; that they are free from all encumbrances EXCEPT: Subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes, assessments, including irrigation and utility easements (if any) for the current year, which are not due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

DATED this 28 day of August, 2017

Carm-Ida Livestock Inc., an Idaho Corporation


By: **Brandon J McFarland, President**


By: **Johnny Britt McFarland, Vice- President**


By: **Cherie McFarland, Secretary**

STATE OF IDAHO)

COUNTY OF LEMHI)

On this 28 day of August, 2017, before me, a notary public in and for said State, personally **Brandon J McFarland, Johnny Britt McFarland, and Cherie McFarland**, known or identified to me to be president, vice president, and secretary of

Exhibit 'A'
Legal Description

TAYLOR MOUNTAIN SURVEYING

301 Waller Street
Salmon, Idaho 83467
Office (208) 756-8321

McFarland to Smith

A portion of Section 35, T. 23 N., R. 22 E., Boise Meridian, Lemhi County, Idaho, more particularly described as follows:

Commencing at the East $\frac{1}{4}$ Corner of said Section 35 from which S.E. Corner of said Section 35 bears S00°50'41"E, 2592.65 feet, the Basis of Bearing of this description; run thence N86°37'13"W, 550.84 feet to the Point of Beginning;

Thence along an existing fence the following courses:

N76°53'07"W, 220.80 feet; N02°44'18"W, 111.12 feet; N06°56'56"E, 59.58 feet;
N29°44'03"W, 40.15 feet; N48°11'27"W, 72.17 feet; N79°40'53"W, 28.94 feet;
S76°20'12"W, 53.40 feet; S67°26'42"W, 41.62 feet; S59°49'10"W, 34.69 feet;
S46°50'12"W, 125.38 feet; S77°39'16"W, 39.09 feet to the center of Carman Creek;

Thence along the center of Carman Creek the following courses:

N07°20'32"E, 42.65 feet; N08°25'53"W, 108.33 feet; N24°15'01"E, 238.70 feet;
N01°30'18"W, 136.08 feet;

Thence leaving said centerline S79°21'18"E, 777.13 feet;

Thence S41°51'05"W, 306.95 feet;

Thence S14°33'45"W, 309.11 feet to the point of Beginning.

Said parcel contains 6.969 acres.

This is NOT a separate parcel and is to be added to lands currently owned by Smith.



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 15, 2018

JAMES A SMITH
KATHY SUE SMITH
PO BOX 33
CARMEN ID 83462

Re: Change in Water Right Ownership: 75-77A (Split into 75-77A and **75-14905**), 75-4337 (Split into 75-4337 and **75-14906**), 75-10061K (Split into 75-10061K and **75-14907**), and 75-10296 (Split into 75-10296 and **75-14908**)

Dear Water Right Holders:

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water rights to you. The Department has modified its records based on the information received to reflect the change in ownership and has enclosed a computer-generated report for your records.

Your portion of these water rights has a specified point of diversion, nature of use and place of use. If you plan on changing the nature of use, place of use, or point of diversion under these rights, including adding a new point of diversion, then an Application for Transfer on your portion of these rights is required. Please contact this office for further information on the Application for Transfer form or you can find the forms at www.idwr.idaho.gov. If you do not plan on changing any items on your water rights, then no further action is required at this time.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within **120 days** of the change.

Please feel free to contact me at 208-287-4920 if you have any questions concerning the enclosed information or this letter.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosures

c. Water District 75D



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

June 15, 2018

CARM IDA LIVESTOCK INC
PO BOX 73
CARMEN ID 83462-0073

Re: Change in Water Right Ownership: 75-77A (Split into **75-77A** and 75-14905), 75-4337 (Split into **75-4337** and 75-14906), 75-10061K (Split into **75-10061K** and 75-14907), and 75-10296 (Split into **75-10296** and 75-14908)

Dear Water Right Holder:

We have received and processed a Change of Ownership for a portion of your original Water Right as referenced above. This change of ownership resulted in a split of your original water right.

When a portion of the original water right has been conveyed to another and the original right has been split, a new water right number is issued to the new owner representing their portion of the original water right. Each water right contains only the portion of the original right for each separate owner. The original water right number reflects your remaining portion of the water right after the change of ownership. Enclosed is a copy of this water right for your records. Please refer to your water right number when corresponding with our office.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see Idaho Code §§ 42-222 and 42-223.

If you have any questions concerning this ownership change or the enclosed information, please contact me at 208-287-4920.

Sincerely,

Debbi Judd
Technical Records Specialist

Enclosure

c. Water District 75D

Judd, Debbi

From: Jim Smith <countrypsych@yahoo.com>
Sent: Wednesday, June 13, 2018 8:44 AM
To: Judd, Debbi
Subject: Re: Notice in Change in Water Right Ownership

Thanks. Our local DWR agent put this together for us, so honestly I don't know. Do what looks correct to you.

[Sent from Yahoo Mail on Android](#)

On Wed, Jun 13, 2018 at 8:29 AM, Judd, Debbi
<Debbi.Judd@idwr.idaho.gov> wrote:

Good morning,

I am reviewing your Notice in Change in Water Right Ownership received by the Idaho Dept. of Water Resources on June 11, 2018. The notice has water right 75-10061A listed as one of the rights to change. That water right's place of use is not within the parcel described on the deed submitted. I believe the correct water right is 75-10061K. I will proceed with processing the notice including water right 75-10061K instead of 75-10061A unless I hear otherwise from you.

Thank you and have a great day!

Debbi

Debbi Judd

Technical Records Specialist

debbi.judd@idwr.idaho.gov

Idaho Department of Water Resources

322 E Front St

PO Box 83720

Boise, ID 83720-0098

208-287-4920

www.idwr.idaho.gov